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BY FACSIMILE AND E-FILING

The Honorable Joel Schneider
United States Magistrate Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Re: *Sciele Pharma, Inc., et al. v. Lupin Ltd., et al.*,
C.A. No. 09-037 (RBK) (JS)

Shionogi Pharma, Inc., et al. v. Mylan Inc, et al.,
C.A. No. 10-135 (RBK) (JS)

Your Honor:

This firm along with McGuireWoods LLP represents Mylan Inc. and Mylan Pharmaceuticals Inc. (collectively, "Mylan") in the above-referenced, consolidated actions. We write in accordance with Your Honor's orders requiring submission of letters identifying outstanding discovery disputes by today (D.I. 468, 473).

Mylan's efforts to depose Plaintiffs have been repeatedly frustrated in this case. Mylan served deposition notices on Plaintiffs in accordance with Rule 30(b)(6) in February 2012, and has repeatedly attempted to secure deposition dates. Plaintiffs have yet to designate any witnesses for deposition or offer any dates for the depositions. The Andrx plaintiffs' latest asserted cause for delay is a recent deposition notice served by the Lupin defendants. Shionogi refuses to produce any witnesses until the Court resolves all outstanding discovery disputes between it and Lupin regarding production of documents concerning damages, which, notably, are not at issue in the Mylan action. In contrast, Mylan has produced three witnesses as designees to testify regarding several topics identified by plaintiffs in their deposition notices to Mylan.¹

Understanding that the parties have had productive discussions regarding this issue and that the Court's resolution of other discovery disputes may further facilitate Plaintiffs' cooperation in finally setting Mylan's noticed deposition, Mylan is not now seeking relief from

¹ Although several topics remain, Mylan and Plaintiffs have had productive discussions, and Mylan has no reason to believe that Plaintiffs will seek relief from the Court regarding their deposition notices.



The Honorable Joel Schneider
June 29, 2012
Page 2

the Court. Rather, Mylan seeks only to inform the Court of the current status of the disputes, which do not yet seem ripe for judicial intervention. In the event judicial intervention becomes necessary, Mylan is hopeful that the Court will consider a request for relief at the appropriate time.

We would be happy to answer any questions the Court may have. We thank the Court for its attention to these matters.

Respectfully,

/s/ Mary B. Matterer

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cc: Counsel of record (via email)